

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 PATRICK WILLIAM BANKS,

No. 2:05-cv-0797-MCE-PAN-P

12 Petitioner,

13 v.

ORDER

14 MARK SHEPARD, ET AL.,

15 Respondents.
16 _____/

17 Petitioner, a state prisoner proceeding pro se, has filed
18 this Application for a Writ of Habeas Corpus pursuant to 28
19 U.S.C. § 2254. The matter was referred to a United States
20 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local
21 General Order No. 262.

22 On November 23, 2005, the magistrate judge filed Findings
23 and Recommendations herein which were served on all parties and
24 which contained notice to all parties that any Objections to the
25 Findings and Recommendations were to be filed within twenty (20)
26 days.

1 Petitioner has filed Objections to the Findings and
2 Recommendations and respondents filed a reply.

3 In accordance with the provisions of 28 U.S.C.
4 § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a
5 de novo review of this case. Having carefully reviewed the
6 entire file, the Court finds the Findings and Recommendations to
7 be supported by the record and by proper analysis.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. The Findings and Recommendations filed November 23,
10 2005, are adopted in full; and

11 2. Respondents' July 25, 2005, Motion to Dismiss is granted
12 and this action is dismissed.

13 DATE: December 30, 2005

14
15
16 

17 MORRISON C. ENGLAND, JR.
18 UNITED STATES DISTRICT JUDGE
19
20
21
22
23
24
25
26